

RESOLUTION NO. 998-R

**RESOLUTION ADOPTING PERSONNEL POLICIES,
PROCEDURES AND RULES FOR THE CITY OF TROUTDALE**

WHEREAS, the City Council of the City of Troutdale is authorized by Ordinance No. 240, the Personnel System Ordinance, to adopt personnel policies, procedures and rules; and,

WHEREAS, the City Council has delegated the authority for administration of its personnel policies, procedures and rules to the City Administrator as the City's Personnel Officer; and,

WHEREAS, the City Council has a responsibility to ensure that Federal and State mandated rules and regulations are made a part of the City's Personnel policies, procedures and rules

WHEREAS, there have been considerable changes in the laws that govern public employees since the rules were adopted in April of 1979; and

WHEREAS, the Rules attached as Exhibit A have been reviewed by the City Attorney, a Labor Consultant and City staff for inclusion of required Federal and State labor laws.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
OF THE CITY OF TROUTDALE THAT:**

Section 1: The City Council hereby adopts the attached Personnel Policies, Procedures and Rules identified as Attachment "A" hereto.

Section 2: The City Administrator, as the City's Personnel Officer, is responsible for the administration of these policies, procedures and rules pursuant to Ordinance No. 240, the Personnel System Ordinance.

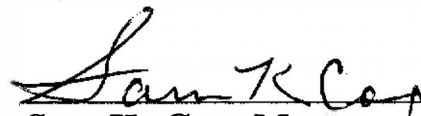
Section 3: All previous personnel rules and past practices which might be found to be in conflict or inconsistent with these rules and this personnel system are hereby voided and superseded by this Resolution.

**ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
TROUTDALE THIS DAY OF _____, 19 .**

YEAS:

NAYS:

ABSTAINED:



Sam K. Cox, Mayor

Dated: _____

ATTEST:



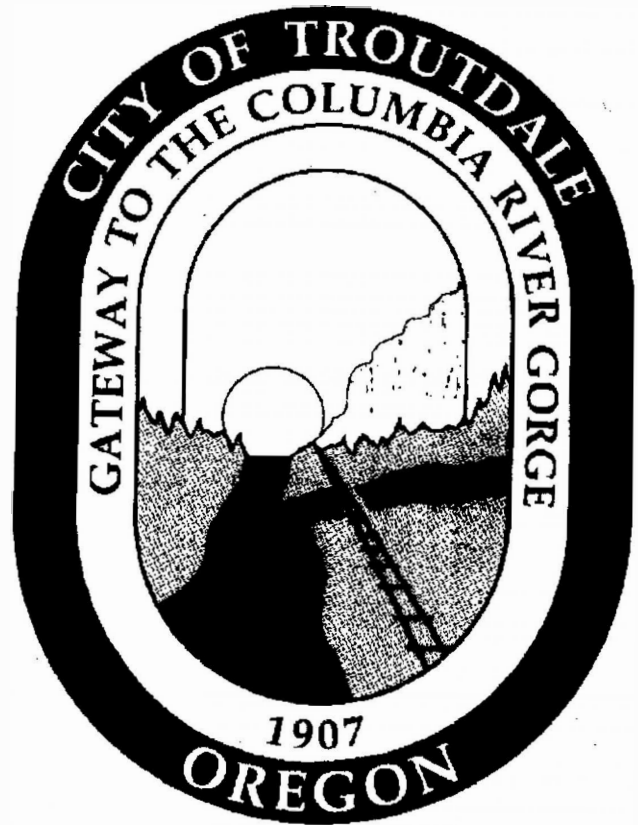
Valerie J. Raglione, CMC

City Recorder: F:\ORDRES\PERSONNE.RUL

**CITY OF
TROUTDALE**

**PERSONNEL
RULES
AND
REGULATIONS**

November 1, 1992



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1 PERSONNEL POLICIES, PROCEDURES AND RULES

2 1.0 PURPOSE

3 This ordinance is adopted to establish a comprehensive personnel system with
4 equitable and uniform policies and procedures for dealing with personnel matters; to
5 attract to municipal service and to retain the best and most competent persons
6 available; to assure that appointments and promotions of employees will be based on
7 merit and fitness; and to provide a reasonable degree of job security and fairness for
8 employees.

9 1.1 To establish a written statement of the City's personnel philosophy and policy,
10 and to establish equitable and uniform procedures and rules for dealing with
11 personnel matters; and,

12 1.2 to attract to municipal service and to retain and motivate the best and most
13 competent persons available within the City's financial limitations; and,

14 1.3 to assure that appointments and promotions of all employees will be based on
15 merit and fitness; and to provide a reasonable degree of job security and fair
16 compensation for employees; and,

17 1.4 to provide for fairness in the application of these policies, procedures and rules
18 when discipline or discharge becomes appropriate under the personnel system;
19 and,

20 1.5 to provide for the administration of the City's personnel system and the
21 personnel policies, procedures and rules.

1 **2.0 ORGANIZATIONS AFFECTED**

2 **2.1** All City departments and their respective personnel shall be equally affected
3 by, and responsible for conformance with, these personnel policies, procedures
4 and rules.

5 **2.2** All employees co-employed by the City and another agency and hired by or
6 paid by other agencies such as, but not limited to, the Veteran's
7 Administration, shall be considered to be regular City employees in the
8 application of these policies, procedures and rules, except where specifically
9 agreed, in writing, by the City, the agency, and the employee to be different
10 from these policies, procedures and rules.

11 **2.3** All individuals working under a personal services agreement or as volunteers
12 shall be treated as regular City employees in so far as the application of these
13 policies, procedures and rules, except where specifically agreed, in writing, by
14 the City and employee to be different.

1 **3.0 REFERENCES**

2 **3.1 City of Troutdale**

- 3 **3.1.1 City Charter**
- 4 **3.1.2 Ordinance No. 239, the Employment Relations Ordinance**
- 5 **3.1.3 Ordinance No. 240, the Personnel System Ordinance**
- 6 **3.1.4 Equal Employment Opportunity Policy Statement 3-1.**

7 **3.2 State of Oregon**

- 8 **3.2.1 Oregon Revised Statutes**
- 9 **3.2.2 Oregon Fair Employment Practices Act of 1949**
- 10 **3.2.3 Oregon Equal Pay Act**
- 11 **3.2.4 Oregon Wage and Hour Laws**
- 12 **3.2.5 Oregon Family Leave Act of 1991**

13 **3.3 United States of America**

- 14 **3.3.1 U.S. Constitution and the 14th Amendment**
- 15 **3.3.2 U.S. Code of 1864**
- 16 **3.3.3 Civil Rights Act of 1964 and as Amended in 1985 [Title VII]**
- 17 **3.3.4 Rehabilitation Acts of 1973 and 1974**
- 18 **3.3.5 Equal Pay Act, 1963**
- 19 **3.3.6 Age Discrimination in Employment Act, 1967**
- 20 **3.3.7 Equal Employment Opportunity Act, 1972**
- 21 **3.3.8 Presidential Executive Order 11246**
- 22 **3.3.9 Fair Labor Standards Act 1985**
- 23 **3.3.10 C.O.B.R.A**
- 24 **3.3.11 Americans with Disabilities Act of 1990**
- 25 **3.3.12 Civil Rights Act of 1991**

26 **ADOPTION AND AMENDMENT OF RULES**

27 Personnel rules shall be adopted and amended by resolution of the Common Council.
28 The rules shall provide means to recruit, select, and maintain an effective and
29 responsive work force, and shall include policies and procedures for employee hiring
30 and advancement, training and career development, job classification, salary
31 administration, retirement, fringe benefits, discipline, discharge, and other related
32 activities. All appointments and promotions shall be made on the basis of merit in
33 accordance with the personnel rules without regard to sex, race, color, age, religion or
34 political affiliation.

1 **4.0 POLICY**

2 **4.1** It is the policy of the City of Troutdale that all of its personnel actions shall be
3 based on principles of fairness and merit. Such policies, procedures and rules
4 are necessary to assure the efficient and effective provision of City services; and
5 further, such policies, procedures and rules shall be developed into a written,
6 codified system of administration for all personnel actions.

7 **4.2** Uniform personnel practices shall apply at all levels of the personnel system.
8 In no way shall any of the City's policies, practices or rules unduly affect the
9 property or liberty of its employees. Rules and procedures are to be established
10 to set standards governing recruitment, examination, selection, appointment,
11 compensation, training, motivation, promotion, retention, tenure, transfer,
12 layoff, discipline and discharge. The basis for action, pursuant to such standards,
13 will be impartial and equally applied.

14 **4.3** Policy, procedures and rules are only as good as the human nature in its
15 administration. Such administrative variances as provided by these rules, and
16 such administrative rules as necessary for good administration, may be
17 implemented by the City's personnel and managerial staff so long as such rules
18 are not in conflict with this resolution, except when prohibited by the Mayor or
19 Council amendment to this resolution.

20 **4.4** Equal employment opportunity at **The City of Troutdale** is defined as a policy
21 of approaching all employment related decisions based on the skills, experience,
22 education, and demonstrable ability to perform the essential tasks of the
23 position being offered, without reference to age, sex, race, color, religion,
24 national origin, or disability.

25 Employment applications, job descriptions, advertising (internal or external),
26 and interviews for job openings will be confined to whether the applicant can
27 perform particular job functions. Based on the responses received, should it
28 appear that an applicant might have difficulty with an essential function of the
29 job, due to a qualifying disability, every effort will be made to provide
30 reasonable accommodation, in cooperation with the applicant.

31 Making existing facilities readily accessible and usable by an individual with a
32 disability, restructuring jobs, modifying work schedules, acquiring or modifying
33 existing equipment, providing readers or interpreters, or modifying qualifying
34 examinations so as not to reflect impaired sensory, manual or speaking skills of
35 applicants or employees, and modifying training or other programs, will be
36 accomplished as needed on a case by case basis to make reasonable
37 accommodation for qualified individuals. Should a current employee suffer a
38 qualifying disability, reasonable accommodation, including reassignment to a

1 vacant position for which the employee is qualified, will be made.

2 Offers of employment, including promotions, may, depending on the physical
3 requirements of the essential functions of the particular job require the
4 applicant(s) take an appropriate medical examination. In all such instances,
5 information obtained as a result of medical examination will be maintained in
6 a separate, confidential file, limited to job related inquires, specific physical job
7 requirements, and consistent with business necessity.

8 It is the intent of **The City of Troutdale** to apply these policies to all
9 employment practices, including, but not limited to: job applications procedures
10 and testing; hiring; termination; advancement; promotion; compensation;
11 training; recruitment; advertising of job openings; tenure; layoff and recall;
12 leaves of absence; fringe benefits; and all other employment related activities.

13 Any violation of this policy should immediately be brought to the attention of
14 the City Administrator/Personnel Director, who will institute an appropriate
15 investigation as deemed necessary to substantiate the facts surrounding the
16 alleged violation. Based upon this information, disciplinary action to correct the
17 violation will be taken as indicated by the facts of the case, and a written record
18 will be maintained containing the results of the investigation.

19 **4.5** Compensation shall be based on principles of fairness and financial ability of
20 the City. Employees shall be compensated from a pay range based on a median
21 pay policy, whereby the City pays a comparable rate for comparable work by
22 most comparable employers. The City will not be a pay leader or a pay
23 follower, but will pay the same as most, or the median, of employers. The City
24 reserves the right to reduce service levels and to reclassify, reassign, or lay-off
25 personnel if financial constraints so necessitate. The City will provide such
26 benefits as Council deems necessary to remain competitive as an employer in
27 attracting, retaining and motivating good employees; to recognize outstanding
28 ability or different responsibilities amongst employees or classes of employees.
29 Establishment of the ranges within this pay policy and benefits programs shall
30 be reserved to the City Administrator with approval of City Council.

31 **4.6** Safety is a policy of the City of Troutdale. Each employee is expected to use
32 good judgement and to follow established procedures on all jobs, and in so
33 doing is expected to protect his own safety and that of other employees or the
34 public. All supervisors or managers are responsible for assuring the safety of the
35 work place and all of the equipment used by their personnel. Firm disciplinary
36 action shall be expected in all cases where violations of this safety policy or City
37 safety procedures or rules have occurred.

38 The Safety Committee will review all accidents involving any City vehicles or

1 equipment as well as Workers Compensation claims.

2 **4.7** Productivity and honesty are required by the City of all employees. Discipline
3 or discharge shall be utilized only when reasonable positive motivational and
4 managerial practices have failed to achieve a reasonable level of productivity
5 from an employee. Team building is desired as a means of achieving
6 productivity as a group beyond the composite of the individual employees
7 within the group. No employee shall be disciplined for actions or failures of an
8 employee group, but individual action may, however, be taken against any or
9 all individuals for their individual responsibilities within the group. Managerial
10 and supervisory personnel may be evaluated in accordance with the overall
11 productivity and goal achievement of the employee group they supervise and
12 manage. Dishonesty, corruption, abuse of authority for personal monetary gain
13 or favor, shall not be tolerated. Proven violations will result in immediate
14 discharge.

1 **5.0 DEFINITIONS**

2 The following terms shall apply specifically within the context of the City's Personnel
3 Policies, Procedures and Rules, and generally apply throughout the City's personnel
4 system for administrative purposes. These definitions are intended to be generally
5 consistent with the current "state of the art" as far as personnel management is
6 concerned, but these definitions are not intended to be all-encompassing or directly
7 related to specific legalistic terminologies in all cases.

8 **5.1 Appeal:** An appeal shall be a complaint against the decision of management
9 pursuant to the rules.

10 **5.2 Appointing Authority:** The City Council, Mayor, City Administrator, Director,
11 or manager who has the authority either by the City Charter, City Ordinance
12 or Delegation of Authority to hire or appoint an individual to fill a vacant
13 position with the City, to discharge or to lay off an individual from that position.

14 **5.3 Benefits Package:** Public Employees Retirement System, Kaiser Medical or Blue
15 Cross Medical, Blue Cross Dental, Standard Group Life and Salary
16 Continuation programs, in addition to the mandatory Federal Insurance
17 Contributions Act (FICA), Worker's Compensation, and State Unemployment
18 Insurance (SUI) programs.

19 **5.4 Charter:** The home rule charter of the City of Troutdale and subsequent
20 amendments.

21 **5.5 City Administrator:** The Council appointed Chief management and
22 administrative officer of the City who works directly for the Mayor and City
23 Council as the officer responsible for the overall administration of all City
24 functions and direct supervision of all Directors and all city staff. The City
25 Administrator is also the Personnel Officer of the City and, as such, is
26 responsible for the specific administration of these rules.

27 **5.6 City Council:** The elected legislative and policy making body of the City,
28 comprised of six (6) elected City Council members.

29 **5.7 Class:** A position or group of positions which are sufficiently similar in respect
30 to duties, responsibilities, and authority that they may properly be designated
31 by the same broad title and equitably compensated from the same pay range
32 under substantially the same employment conditions.

33 **5.8 Classification Plan:** A schematic list of classes for all Departments supported
34 by class specifications.

- 1 **5.9 Compensatory Time:** The hours authorized to be absent from duty as part of
2 base salary granted to compensate for overtime worked but not otherwise paid.
- 3 **5.10 Confidential Employee:** One who assists and acts in a confidential capacity to
4 a person who formulates, determines and effectuates personnel management
5 policies and administrative programs.
- 6 **5.11 Demotion:** The movement of an employee from one class to another class with
7 a lower range of pay or from one step to a lower step within a class having a
8 lower rate of pay.
- 9 **5.12 Director:** A senior management employee appointed by the City Administrator
10 to exercise direct supervision over departmental employees and functions. The
11 Director is responsible to the City Administrator for overall conformance with
12 City policies and procedures, as well as direct accountability for departmental
13 operations.
- 14 **5.13 Departmental Procedures:** Those subsidiary personnel procedures established
15 by the department in conformance with these City policies and procedures or
16 Administrative Rules.
- 17 **5.14 Discharge:** Termination of employment by the City for reasons of cause
18 attributable to the employee. Also, may be referred to as dismissal, firing or
19 similar terms meaning involuntary termination from employment by the City.
- 20 **5.16 Employee, Full-Time/Regular:** An employee appointed to a position authorized
21 in the budget, which requires more than 32 hours of work per week, is tenured,
22 paid on an hourly or salaried basis, and is eligible to accumulate time off with
23 pay [vacation, sick leave, holidays].
- 24 **5.17 Employee, Part-Time:** Employees appointed to non-tenured positions of specific
25 duration, requiring less than 32 hours work per week [on average] during a six-
26 month period.
- 27 **5.18 Employee, Probationary:** An employee who has not yet completed the trial
28 service period, who is non-tenured, and may be terminated at the sole
29 discretion of the employer.
- 30 **5.19 Employee, Temporary:** An employee filling a position with a set time limit (e.g.,
31 project) or duration (e.g., covering for a permanent employee's absence or
32 leave). Temporary employees can be terminated at the employer's discretion.

- 1 **5.31 Personnel Action:** Any action taken with reference to appointment,
2 compensation, promotion, transfer, layoff, leave, trial service, discipline,
3 dismissal or any other action affecting an employee's status with the City.
- 4 **5.32 Personnel Officer:** The City Administrator unless otherwise assigned by Council.
- 5 **5.33 Position:** Any special office, employment or job, legally established, whether
6 occupied or vacant, calling for the performance of certain duties and carrying
7 of certain authority and responsibilities by one individual, whether in a full or
8 part-time capacity and whether in a regular or temporary capacity. **Note:**
9 Authorized position: A position authorized in the budget.
- 10 **5.34 Progressive Discipline:** An oral warning, written reprimand, suspension,
11 demotion, or discharge taken for just cause.
- 12 **5.35 Promotion:** The movement of an employee from one class and job position to
13 another class and job position having a higher maximum rate of pay.
- 14 **5.36 Reasonable:** What a prudent individual would do under similar circumstances.
- 15
- 16 **5.37 Reclassification:** A change in location of an individual position by either raising
17 it to a higher class or step or reducing it to a lower class or step on the basis
18 of significant changes in the kind, difficulty or responsibility of the work
19 performed in said position.
- 20 **5.38 Reprimand:** A written warning to an employee that the supervisor believes a
21 deficiency exists in the employee's work performance or conduct and
22 improvement is needed; this is kept in the employees personnel file for two (2)
23 years unless otherwise specified.
- 24 **5.39 Separation:** The termination of employment by reason of disqualification, end
25 of temporary assignment, layoff, resignation, retirement, dismissal, or death.
- 26 **5.40 Shift Work:** Any routinely assigned work outside of a standard 8:00 a.m. - 5:00
27 p.m. or 8:00 a.m. - 4:30 p.m. work shift. A four (4) day, ten (10) hour day, forty
28 (40) hour work week shall not constitute shift work.
- 29 **5.41 Step Increases:** Merit pay increases allowed within the pay ranges as set forth
30 in the current fiscal year's Salary and Classification Plan.

1 **6.0 RESPONSIBILITY**

2 **6.1 City Council:** The City Council shall, from time to time, establish and amend
3 Personnel Policy Guidelines and Procedures. The City Council shall have the
4 sole authority to authorize positions and develop pay and classification plans
5 through the budgetary process. The City Council shall be the appointing
6 authority for the City Administrator and shall have exclusive authority to
7 establish his/her compensation. The appointment, discharge or laying off of any
8 department head shall be subject to the approval of the City Council. The City
9 Council shall hear all appeals by employees made from a decision of the Mayor.
10 Unless an employee appeals an act or decision of the appointing authority, the
11 City Council shall be deemed to have given its consent thereto.

12 **6.2 Mayor:** Pursuant to the City Charter and City Ordinances, the Mayor shall
13 exercise his authority as the elected Executive Officer in accordance with these
14 personnel policies, rules and procedures. Nothing herein shall be deemed to
15 limit the authority of the Mayor to revoke any power hereby delegated. In the
16 event the Mayor revokes any delegated power, he shall, in written form, advise
17 the City Council at its next council meeting. The Mayor shall hear all appeals
18 to decisions of the City Administrator relating to these rules. The Mayor shall
19 be the supervising authority for the City Administrator. The Mayor shall have
20 the authority to vary or modify the strict application of the provisions of these
21 policies, procedures and rules whenever strict application would result in
22 practical difficulties or unnecessary hardships. Such variances shall be recorded
23 in writing and reported to the City Council at its next regular meeting.

24 **6.3 City Administrator:** Except as otherwise provided herein, the appointing
25 authority for all Directors and other employees of the City is hereby delegated
26 to the City Administrator. The City Administrator shall be supervising authority
27 for all Directors. The City Administrator's appointing authority with respect to
28 Directors shall be subject to the approval of the City Council. The City
29 Administrator may delegate the appointing authority to Directors if deemed to
30 be appropriate. The delegation of appointing authority may be made only in
31 written form. The City Administrator shall be responsible for (1) administering
32 all the provisions of these Personnel Policies and Procedures and for
33 establishing such additional personnel rules not specifically reserved to the
34 Mayor or City Council, as necessary, for the efficient administration of the City;
35 and (2) preparing or causing to be prepared and recommending to the Mayor
36 and City Council personnel rules, revisions and amendments to such rules as
37 are consistent with good personnel management practices. The City
38 Administrator shall approve all step increases within a position class. The City
39 Administrator shall approve all promotions, demotions, paid leave of absence
40 and other personnel acts not exclusively reserved to the Mayor or Council. The
41 City Administrator shall make recommendations for the hiring, discharge or lay

1 off of any Director to the Mayor and City Council. The City Administrator shall
2 hear all appeals of employees.

3 **6.4 Directors:** Directors shall be responsible for the development and the
4 administration of the department rules and regulations. Directors shall perform
5 reviews for hiring and evaluation of employee performance and shall make
6 recommendations to the City Administrator for promotions, step increases,
7 demotions, paid leave or lay offs and discharge of employees. The Directors
8 shall have the authority to exercise other disciplinary action, major or minor,
9 not otherwise reserved to the City Council, Mayor or City Administrator. The
10 Directors shall have the authority to establish the time and place of work
11 consistent with the employee job description. The Directors may delegate their
12 supervisory or appointing authority to other management personnel except as
13 specifically prohibited by these rules.

14 **6.4.1** Directors who serve at the pleasure of the Council shall be eligible for a
15 ninety calendar day severance pay if termination is based on discretionary and
16 judgmental factors. If termination is for cause, then the severance amount shall
17 be determined by the Council, if any.

18 **6.5 Employees:** It shall be the duty of each employee to clearly understand his job
19 class and assignment goals, both immediate and long-range. The employee shall
20 discuss openly during the evaluation review any needs for training, supplies,
21 equipment to provide a productive work environment. It shall be the duty of
22 the employee to take the initiative by meeting with his supervisor if he disagrees
23 with any review or disciplinary action and to follow the grievance procedure set
24 forth herein.

1 **7.0 PROCEDURES**

2 **7.1 Administration of the**
3 **Personnel Program:**

4 **7.1.1** The City Administrator,
5 or his designee, shall cause a
6 Personnel Record to be
7 maintained for each employee
8 of the City. Said Personnel
9 Record will be kept in a
10 Central Personnel File
11 contained in the Executive
12 Department and shall be
13 maintained by the Administrative Secretary.

CONFIDENTIAL

14 **7.1.2** The Personnel Record shall contain all of the employee's official records,
15 including but not limited to: title of position held, job description, items relating
16 to promotion, changes in pay status, disciplinary actions or recognition awards,
17 training received and other information as may be considered pertinent and
18 which is job related. No personnel action shall be taken based on any
19 information which is not reflected in the Personnel File.

20 **7.1.3** The Administrative Secretary shall also maintain a non-confidential tickler
21 file that shall identify all of the approved positions of the City and which shall
22 contain information necessary for emergency purposes and for automatically
23 insuring that performance and salary reviews are accomplished when due. The
24 Emergency Information shall be made available to all management or
25 emergency personnel.

26 **7.1.4** Departments, at their discretion, may maintain departmental personnel
27 records to assist in the development and implementation of employee
28 job-related training programs. No materials shall be kept in department files,
29 if maintained, that are not included in the Personnel File. (See 7.1.2).

30 **7.1.5** Employee personnel records shall be considered confidential and shall be
31 accessible in the following manner:

32 **7.1.5.1** Contents of an employee's personnel record shall not be disclosed
33 to anyone other than the City Administrator or staff designee, appointing
34 or supervising authority, the employee, or employee's specially authorized
35 representative, or as may be required by Court, Mayoral or Council order.

36 **7.1.5.2** No material may be placed in an employee's personnel record

1 unless the employee has been allowed to read it and has indicated, by
2 signature, that the employee knows the material is being placed in the
3 employee's file. An internal or criminal investigation by the Police
4 Department may be authorized contrary to this section if reported to the
5 City Administrator and so authorized for inclusion in the file.

6 **7.1.5.3** The employee may submit a written response regarding any
7 material which the employee considers derogatory, to be placed in the
8 employee's file.

9 **7.1.5.4** No portion of any employee's file shall be reproduced without
10 authorization of the Administrative Secretary.

11 **7.1.5.5** The contents of the employee's personnel file are to be considered
12 City property; however, employees have the right to review and obtain
13 copies of their personnel record. Documents pertaining to degrees or
14 certification should be copied, with the copy being placed in the personnel
15 file and the original retained by the employee. Upon terminating
16 employment, if requested, a complete copy of the individual personnel file
17 can be made at no charge for a period up to but not to exceed two years
18 from termination date.

19 **7.1.6** The Personnel Record shall be designed with a retention cycle in
20 accordance with **ORS 357.895** and **ORS 192.105** and in accordance with Oregon
21 Administrative Rules No. 166-40-080. The Administrative Secretary shall review
22 the employee's personnel record when each performance or salary review is due
23 and shall remove all material in expiration of the retention period specified.

24 **7.1.7** In the event any allegations are made against an employee for conduct
25 which would lead to disciplinary action, all evidence, memorandums, allegations
26 and other materials relating thereto shall be expunged from the personnel files
27 if, upon hearing, the matter is resolved in favor of the employee. All allegations,
28 materials and evidence relating to disciplinary action shall remain confidential
29 and dissemination of such materials shall be restricted to these persons directly
30 involved in the disciplinary proceeding.

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7.2 Investigations:

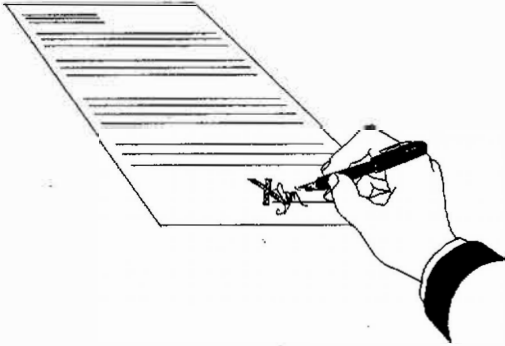
7.2.1 It is the policy of the City of Troutdale to investigate all complaints of any employee misconduct and to equitably determine whether the allegations are valid or invalid.

7.2.2 The City Administrator shall be advised of any and all written complaints against any City employee. An investigation will be completed by the City Administrator and/or designee in order for appropriate action to be determined as the result of such investigation process.

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8.0 DEPARTMENTAL RULES AND PROCEDURES

8.1. Each department of the City may establish written departmental rules, regulations, and procedures applicable to the particular department. Such rules, regulations and procedures shall be subject to approval by the City Administrator as consistent with the needs of the City and with the provisions of these policies, procedures and rules. [A copy shall be furnished to the Executive Department and updates supplied by the department as changes are made.]



1 **9.0 CLASSIFICATION**

2 **9.1 Position Classification Plan:**

3 9.1.1 A position classification plan, as adopted and amended by the Common
4 Council, shall be enforced as a part of these rules. Copies of this Plan and of
5 specifications for individual classes shall be available in the Executive
6 Department.

7 9.1.2 The classification plan comprises a schematic list of classes of positions,
8 defined by class specifications and identified by class titles, supported by written
9 specifications setting forth the duties and responsibilities of each class and the
10 qualifications necessary for appointment to a position of that class.

11 **9.2 Purpose:**

12 9.2.1 The purpose of the classification plan shall be to:

13 9.2.1.1 Provide like pay for like work;

14 9.2.1.2 Establish qualification standards for recruiting and testing purposes;

15 9.2.1.3 Provide appointing authority with a means of analyzing work
16 distribution, area of responsibility, lines of authority, and other
17 relationships between positions;

18 9.2.1.4 Assist appointing authority in determining budget requirements;

19 9.2.1.5 Provide a basis for developing standards of work performance;

20 9.2.1.6 Establish lines of promotion;

21 9.2.1.7 Indicate training needs;

22 9.2.1.8 Provide uniform titles for positions.

23 **9.3 Class:**

24 9.3.1 A class shall comprise one or more positions that are so similar in the
25 basic character of their duties and responsibilities that the same pay scale, title,
26 and qualification requirements can be applied and the positions can fairly and
27 equitable be treated under like conditions for all other personnel purposes. The
28 same qualification requirements shall be generally applied to all positions in a
29 class regardless of the department in which the position is located.

1 **9.4 Class Specification:**

2 **9.4.1** The class specification shall state the characteristic duties, responsibilities,
3 and qualification requirements which distinguish a given class from other
4 classes. The specification shall be descriptive but not restrictive; that is, the class
5 specification shall describe the more typical types of work which may be
6 allocated to the given class but shall not be construed to restrict the assignment
7 of other duties related to the class.

8 **9.5 Job Assignment:**

9 **9.5.1** The specific tasks of work within a class for which the individual was
10 employed to perform.

11 **9.6 Job Descriptions:**

12 **9.6.1** Job descriptions shall be developed for each authorized position and shall
13 contain two elements. The first element will be a written description of a job
14 class containing statement of duties, essential functions, authority, and
15 responsibilities and the minimum qualifications for the job class. This section
16 shall apply to the general types of work that anyone in the position might be
17 asked to perform. The second element will be position specific and will relate
18 to the specific job assignment that is the primary work of an individual
19 employee. The City Administrator, as Personnel Officer, is responsible for
20 developing and amending job descriptions within the job titles established by
21 Council and specifically approved by the Mayor.

22 **9.7 New Positions and Job Titles:**

23 **9.7.1** The Personnel Officer or designee shall be responsible for keeping the
24 classification plan current through periodic studies of the positions within the
25 City service.

26 **9.7.2** No position or class shall carry an official title which has not been
27 approved by the City Council as being appropriate to the duties performed.

28 **9.7.3** Only the City Administrator may create new positions and allocate the
29 positions to an appropriate class.

1 **9.8 Reclassification:**

2 **9.8.1** Positions may be reclassified by the Personnel Officer or designee
3 whenever the duties of the position change materially, provided the
4 reclassification can be accomplished within the limitation of the current budget
5 of the City.

6 **9.8.2** Reclassification of a position shall not be used to circumvent the effects
7 of disciplinary action or to avoid restriction concerning compensation.

8 **9.8.3** Employees may request a reclassification when they believe the duties of
9 the position may have materially changed. A position reclassification study shall
10 be undertaken the Personnel Officer or his designee within three months of
11 such request and completed within one year of the request. Any authorized
12 reclassification will take effect when authorized in the next budget cycle.

1 **10.0 PAY PLAN AND COMPENSATION**



2 **10.1 Compensation Plan:**

3 **10.1.1** The City Administrator shall
4 be responsible for the development
5 and maintenance of a uniform and
6 equitable pay plan, which shall
7 consist, for each class of positions,
8 minimum and maximum rates of pay
9 and such intermediate steps as
10 deemed necessary and equitable.

11 **10.1.2** Salary classification and compensation plans shall be analyzed by the
12 Executive Department annually. All employment applications to the City shall
13 be made to the City's Personnel Unit in the Executive Department.

14 **10.1.3** At least once each fiscal year, the City Administrator shall compare the
15 current City pay plan, compensation policies and personnel developments with
16 those of other public and private employers within the same job market.
17 Changes in cost of living shall also be considered.

18 **10.1.4** The City Administrator shall then examine the salary range and median
19 salaries for each position class to ascertain whether current minimum and
20 maximum salaries should be maintained, increased or decreased during the
21 succeeding fiscal year; and, upon the basis of this analysis, shall submit
22 recommendations for amending the pay plan to the City Council.

23 **10.1.5** The City Council shall review and adopt a compensation plan and fringe
24 benefit package for all positions within the City after considering
25 recommendations of the City Administrator. Adjustments of pay ranges, or
26 overall adjustments to the salary schedule shall be the responsibility of the City
27 Council.

28 **10.1.6** Salary rates for each employee within the Compensation Plan shall be
29 determined in conjunction with a total compensation package and with regard
30 to the following considerations:

31 **10.1.6.1** Rate of pay in other classes;

32 **10.1.6.2** Prevailing rates of pay for similar employment in both public and
33 private organizations;

34 **10.1.6.3** Cost of living factors;

1 **10.1.6.4** Other benefits received by employees;

2 **10.1.6.5** Performance evaluation;

3 **10.1.6.6** The financial policy and economic consideration of the City.

4 **10.2 Appointment Rate:**

5 **10.2.1** Employees may be hired at Step A of the salary range established for
6 their position. Employees hired at Step A must be approved by the City
7 Administrator and employees hired at any step greater than Step A will require
8 approval of the City Administrator. Appointment to a position at a salary level
9 higher than the maximum rate for that pay class may only be made by the City
10 Council.

11 **10.3 Step Pay Increases - Merit:**

12 **10.3.1** The City Administrator shall have the authority to award merit increases
13 within established pay ranges to all employees; however, this authority shall not
14 be greater than 5% of the budget estimate when applied to Directors. Council
15 may review performance and salary with each Director and may make such
16 adjustments in salary as Council deems appropriate.

17 **10.3.2** It is the intent of the City to base all step pay increases on merit. Step
18 increases within the pay range established by the City Council shall be based on
19 performance reviews and shall be approved by the City Administrator.

20 **10.3.3** The first step pay increase may occur at the end of the new employee's
21 trial service period and further merit increases may be granted no sooner than
22 six months from the employee's previous step increase. Pay increases are not
23 automatic and merit increases are based on annual performance reviews
24 indicating an above average performance for the previous year. Supervisors are
25 responsible for making the recommendation for merit increases and approval
26 is authorized only upon the City Administrator's approval of the
27 recommendation.

28 **10.3.4** Employees achieving the top step within a range shall remain at the top
29 step until such time as the employee is eligible for promotion to a higher pay
30 range position and is appointed when a vacancy occurs. Every employee shall
31 be evaluated at least on an annual basis. Such evaluations may be in
32 conjunction with, or separate from, the semi-annual employee performance
33 evaluation.

1 **10.4 Acting Pay:**

2 **10.4.1** When an employee of a lower pay range performs the duties of a higher
3 pay range when appointed as "Acting" in the higher range, then that employee
4 shall be paid at the higher level, provided:

5 **10.4.1.1** The Acting assignment was made in writing by proper appointing
6 authority;

7 **10.4.1.2** The employee meets the minimum job requirements for the
8 higher authority and responsibility; or such minimum requirements are
9 waived by the Mayor;

10 **10.4.1.3** The appointment for the purpose of Acting Pay shall be effective
11 after 30 calendar days since the original appointment. All employees need
12 training and experience at a higher level for their own advancement, and
13 therefore, up to 30 days of an assignment may be seen as sufficient
14 benefit to the employee;

15 **10.4.1.4** Acting assignments shall not continue beyond any one fiscal year
16 since staffing and compensation are reviewed annually by the Budget
17 Committee and City Council, although Council may reappoint an
18 individual into the Acting assignment for some temporary purpose;

19 **10.4.1.5** Acting pay shall mean pay at least at the entry step in the high
20 range or 5% above the employee's pay at the time of the appointment,
21 which ever is greater;

22 **10.4.1.6** The employee may be eligible for merit reviews in the higher
23 range but the employee shall revert to the original pay range (plus any
24 merit reviews for which eligible) at the end of the Acting assignment;

25 **10.4.1.7** Refusing to accept an acting appointment or removal from the
26 Acting position after not being selected for permanent appointment shall
27 not be reflected in the employee's performance evaluation record in any
28 negative fashion.

29 **10.5 Overtime, Compensatory Time and Emergency Call-Back:**

30 **10.5.1 Regular Employees:**

31 **10.5.1.1** For employees assigned to a regular shift, overtime shall mean the
32 time worked in excess of the established work hours in that regular shift.
33 A regular shift shall consist of 8 hours/day [5 consecutive days]; or, 10
34 hours/day [4 consecutive days], exclusive of meals and break periods.

1 **10.5.1.2** When employees are required to work overtime, Directors shall
2 authorize compensatory time off or overtime pay which shall be one and
3 one-half times the employee's regular hourly rate of pay. The employee
4 shall note on the time sheet the method of compensation [paid out or
5 accrual of compensatory time]. In either choice, the time must reflect 1½
6 times the hours worked.

7 **10.5.1.3** Paid overtime shall be compensated within the next regular pay
8 period. Accumulated compensatory time shall not exceed **eighty** hours.
9 Once this maximum accumulation has been reached, all overtime
10 compensation earned by the employee shall be paid unless otherwise
11 approved, in writing, by the employee and City Administrator.

12 **10.5.1.4** If the employee is promoted or demoted or receives a salary
13 increase or decrease, the employee shall be paid his accumulated
14 compensatory time at the rate under which it was earned. Accrued
15 compensatory time shall be paid at the rate at which it was earned upon
16 termination of the employee. Compensatory time may, with the written
17 consent of the City Administrator and employee, be re-evaluated at the
18 time of any pay change to reflect the equivalent value as accrued to be
19 re-recorded on the basis of the changed pay rate.

20 **10.5.1.5** When computing the total number of hours for overtime purposes,
21 approved vacation and holidays shall be considered as time on regular duty.

22 **10.5.1.6** City employees subject to emergency call-backs shall be
23 compensated at a rate of one and one-half times the employee's straight
24 time rate, unless the employee is on a departmental on-call status which
25 then applies. Employees called in for emergencies shall be paid overtime
26 for a minimum of two hours, which is intended to also include travel cost
27 to and from this non-routine work.

28 **10.5.2 On-Call:**

29 **10.5.2.1** A departmental on-call procedure may be adopted where
30 necessary, if approved by the City Administrator, and if funding is
31 authorized within the budget to reflect such departmental policies.

32 **10.5.3** Part-Time Employees shall not be entitled to overtime pay unless that
33 employee is required by the Director to work more than 40 hours in any given
34 work week. If the part-time employee is required to work overtime, the
35 employee shall be compensated at a rate of one and one-half the employee's
36 normal straight time rate. Such compensation shall be paid for in the pay
37 period in which it was earned. Part-time employees shall not earn or accrue
38 compensatory time off in lieu of pay.

1 **10.5.4** For key management personnel, such as the City Administrator,
2 Directors, or major Division Managers, flexibility in work hours is essential. The
3 City intends these key personnel to work a basic work week but where duties
4 require an extra effort, that time shall be considered in the basic salary amounts
5 authorized. The City Administrator, Directors, and other key management
6 personnel, so designated within the budget, shall not earn compensatory time
7 or overtime unless acting in an emergency for another department or in a
8 non-management role, in which case the employee shall be paid overtime at
9 one and one-half the employee's straight time rate. These key management
10 positions may be authorized a reasonable amount of paid time away from work
11 by their supervising authority as an equivalent to the formal compensatory or
12 paid overtime for all other employees. This "like time off" shall be footnoted on
13 the bottom of the time sheet.

14 **10.5.5** Like time off for Directors shall be approved by the City Administrator.
15 Like time off for the City Administrator shall be approved by the Mayor. Like
16 time off privileges shall be taken during the course of a normal work week
17 rather than in lieu of vacation.

18 **10.6 Pay Periods:**

19 **10.6.1** There are twenty six pay periods per year. Pay days are every other
20 Friday.

21 **10.6.2** An employee may elect to receive an emergency partial salary payment.
22 The maximum partial payment an employee may receive shall not exceed 50%
23 of the employee's net monthly earnings or accrued vacation and sick leave,
24 whichever is less. An employee shall be limited to one emergency partial
25 payment in each six month period.

26 **10.7 Professional Allowances:**

27 **10.7.1** If an employee is required to attend conferences, training sessions, etc.,
28 the City will pay for reasonable expenses incurred by the employee including
29 travel costs, registration, materials, and reasonable room and board costs as
30 consistent with budget appropriations, provided the conference is held during
31 an employees normal work week.

1 **10.7.2** If the conference is held outside of the normal forty hour work week,
2 the employee will be entitled to time and one half compensation. However, the
3 employee will be responsible for the cost of the conference, lodging, meals and
4 registration.

5 **10.8 Stability Pay:**

6 **10.8.1** An employee must have completed a minimum of five years of service
7 by no later than June 30 of the fifth year to qualify for stability pay. In cases
8 where an employee has left the service of the City for not more than eighteen
9 (18) months, and has been rehired within that time frame, the original hire date
10 will be used only for stability pay purposes. Stability pay is never retroactive
11 under any circumstances.

12 **10.8.2** Regular part-time employees are eligible for stability pay at one-half the
13 rate listed for their specific pay range. In order to be eligible for the entire
14 amount allowed in a pay range, you must be a full-time employee for the full
15 five year requirement [see 10.8.1].

16 **10.9 Educational Incentive Pay**

17 **10.9.1** Eligible ranges for educational incentive pay are Ranges 9 through 16
18 only. Educational incentive pay shall be based upon certification standards
19 established by Boards on Standards and Training, accreditation boards,
20 associations and by certification on standards established by the City
21 Administrator.

22 **10.9.2** A top limit of 5% applies to all ranges.

23 **10.9.3** Police Officers, upon providing a copy of an Intermediate Certificate
24 from BPST to the Personnel Division, are eligible to receive 2.5% of the base
25 hourly pay from the date of their certification. Police Officers, upon providing
26 a copy of an Advanced Certificate from BPST to the Personnel Division, are
27 eligible to receive an additional 2.5% of the base hourly pay from the date of
28 their certification.

1 **11.0 GENERAL POLICIES & PROCEDURES**

2 **11.1 Appointment:**

3 **11.1.1** All original appointments to vacancies shall be made solely on the basis
4 of merit, efficiency and demonstrated ability to perform the essential functions
5 of the position. These qualities shall be determined by a selection committee,
6 as approved by the Appointing Authority, through careful and impartial
7 evaluation of the following:

8 **11.1.1.1** Applicant's level of training relative to the requirements of the
9 position for which applied;

10 **11.1.1.2** The applicant's level of education relative to the requirements of
11 the position for which applied;

12 **11.1.1.3** The results of an oral interview or other assessment methods.

13 **11.1.2** The selection committee may use further criteria for evaluating the
14 applicant if such criteria are approved by the Personnel Officer as a fair and
15 valid test of the abilities and aptitudes for the duties to be performed.

16 **11.1.2.1** The results of a competitive, written or demonstration test; and,

17 **11.1.2.2** The applicant's demonstrated ability to perform the essential
18 functions of the position.

19 **11.1.3** The selection committee shall determine the applicable selection criteria
20 and the method by which the applicants will be evaluated and rated.

21 **11.1.4** No question in any test or in any application form shall be framed in
22 such a manner as to ask for information concerning sex, race, color, national
23 origin, age, political or religious affiliation, or physical abilities.

24 **11.1.5** All statements submitted on the employment application or attached
25 resume shall be subject to investigation and verification prior to appointment
26 and during employment.

27 **11.1.6** Members of immediate family will be advised not to bring any family
28 difficulties to work and that if such difficulties interfere with work performance,
29 then disciplinary action may be taken.

1 **11.2 Position Vacancies:**

2 **11.2.1** Departmental position vacancies shall be filled by initiating a personnel
3 request to the Administrative Secretary in the Executive Department. Personnel
4 requests shall have attached a job description, a statement of need and a
5 timetable for filling the position.

6 **11.2.2** The Administrative Secretary shall post all
7 openings for City employment at City Hall for a
8 minimum of three days, to allow City employees
9 to review the openings for new or vacant
10 positions. After posting at City Hall, the
11 Administrative Secretary, as authorized by the
12 Personnel Officer, shall advertise the positions in
13 a newspaper of general circulation commonly used
14 by the City and may also advertise such positions
15 in publications of special circulation, as
16 appropriate to the position. **EXCEPTION:** Where
17 there is determined to be a minimum of three
18 qualified applications on file, the position may be
19 filled from the application pool rather than
20 advertising the position in a newspaper.

11 **EMPLOYMENT OPPORTUNITY**

21 **11.3 Physical and Mental Examinations:**

22 **11.3.1** Physical and/or mental examinations shall be required by the City related
23 to the ability to perform duties of a specific job if so stated in the job
24 announcement. A physical examination can only be required when it is
25 demonstrated to be a business necessity and specific evidence is readily
26 available to substantiate a need for a physical and/or mental examination. [Pre-
27 Employment, Post-Offer of employment, continued employment, or as a
28 condition for salary step increases.] If the examination reveals disabilities, a
29 refusal to hire, based on the disability, must be a direct basis in the essential
30 functions of the job and business necessity. A disability, or the perception of a
31 disability must address essential functions of the job. The job description for
32 each authorized position will specify the conditions under which a physical
33 and/or mental examination is required.

34 **11.3.2** If a physical and/or mental examination is required by the City, the City
35 will pay for the cost of the physical and/or mental examination so long as it has
36 been previously authorized by the City Administrator. [See 11.3.1 for physical
37 and/or examinations to be required.]

1 **11.4 Trial Service (Employment or Promotion):**

2 **11.4.1** All original appointments shall be and promotional appointments may be
3 tentative and subject to a trial service period as defined in this resolution.

4 **11.4.2** In cases where the responsibilities of a position are such that a longer
5 period is necessary to demonstrate an employee's qualifications, the trial service
6 period may be extended; however, no trial service period shall be extended
7 beyond twelve months. [**Exception: Uniformed Police personnel is eighteen**
8 **months, unless waived in writing by the City Administrator.**] The employee
9 shall be notified, in writing, of any extensions and the reasons therefore.

10 **11.4.3** Individuals hired for Police Officer positions which are not certified at
11 time of hire will be hired in at the "A" step where they remain until they receive
12 'certified' status from BPST. Upon notification from BPST that the individual
13 has received a certified status, the officer status will be changed from "A" to "B"
14 step. The increase is an adjustment in pay status and is awarded only for the
15 education necessary to achieve it. It is not a MERIT increase. End of trial
16 service reviews are done eighteen [18] months after date of hire.

17 **11.4.4** Should the employee clearly demonstrate the skills and attitude necessary
18 to adequately fulfill the job requirements, the City Administrator may terminate
19 the trial service period early. In no case shall the trial service period be less
20 than four months.

21 **11.4.5** During a six month trial service period, the employee shall not be eligible
22 for vacation benefits, but shall earn vacation credit to be taken at a later date
23 if the trial service period is successfully completed. All Department Director
24 personnel in trial service must have the City Administrator's approval prior to
25 vacation time be paid. The vacation policy shall be revised by Council
26 Resolution. Vacation credit shall not be awarded until the end of the trial
27 service period.

28 **11.4.6** Upon completion of the trial service period, the employee shall be
29 considered as having satisfactorily demonstrated his qualifications for the
30 position, shall gain regular status, and shall be so informed by his Director at
31 the time of the performance review.

32 **11.4.7** During the trial service period, the employee may be terminated for any
33 reason, at any time, and without appeal. If the employee is terminated either
34 voluntarily or involuntarily during the trial service period, the only information
35 that will be released to future potential employers or other inquirers is that "the
36 employee quit during the trial service period by mutual agreement", unless
37 otherwise requested by the employee and City Administrator.

1 **11.5 Promotions:**

2 **11.5.1** The City shall encourage qualified current employees to apply for
3 promotional job vacancies or for lateral moves offering better promotional
4 opportunities.

5 **11.5.2** The appointment to fill a vacancy shall be made on a competitive basis,
6 utilizing selection criteria for appointments established by a selection committee
7 as provided for in this Resolution. Where the selection committee determines
8 that qualifications and abilities are relatively equal, the decision made by the
9 selection committee shall be based on the overall potential for maximum City
10 benefit.

11 **11.5.3** Upon promotion, there shall be a six-month trial service period. In the
12 case of trial service promotional appointments, the promoted employee may be
13 demoted at any time during the trial service employee be reinstated in the class
14 and step designation from which he was promoted.

15 **11.6 Transfers:**

16 **11.6.1** Requests from employees for transfers from one department to another
17 shall be made in writing and shall be directed to the employees' present
18 Director and referred to the appropriate Director and the City Administrator.
19 Such requests shall be given consideration when a suitable vacancy occurs;
20 however, no employee shall be transferred to a position for which he does not
21 possess the minimum qualifications. Such approved and requested transfers
22 shall not involve any new trial service period.

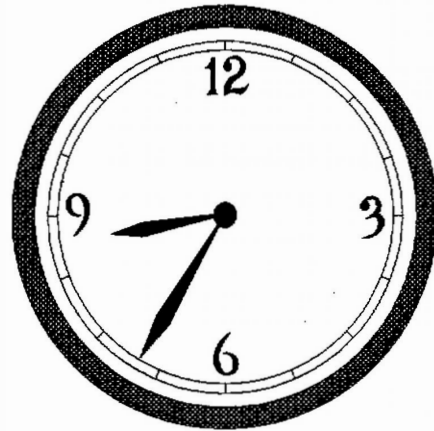
23 **11.6.2** Transfers by the City Administrator of personnel from one department
24 to another within the same or closely related class shall be deemed reasonable
25 and not subject to appeal and not considered a valid grievance. Such a required
26 transfer will not involve any new trial service period.

27 **11.7 Hours of Work:**

28 **11.7.1** The hours during which the City offices and departments shall be open
29 for business shall be determined by the City Council and the Mayor. The
30 specific hours of work for individual employees may be varied from the normal
31 business hours by the City Administrator to provide maximum efficiency and
32 public service.

33 **11.7.2** One hour for meals is allowed on the employee's time during any regular
34 8:00 a.m. to 5:00 p.m. workday. Normally, this meal period will be scheduled
35 after four hours work.

1 **11.7.3** A regular eight hour
2 workday allows for ten minute
3 breaks twice a day,
4 approximately two hours after
5 beginning work, and two hours
6 after returning to work
7 following the lunch period.



8 **11.8 Attendance:**

9 **11.8.1** An employee shall not
10 be absent from work for any
11 reason other than those
12 specified in the Personnel Rules without making prior arrangements with their
13 supervisor. Unless such prior arrangements are made, the employee who, for
14 any reason, fails to report to work shall immediately notify their supervisor of
15 the reason for being absent. If absence continues beyond the first day, the
16 employee shall notify their supervisor on a daily basis unless other arrangements
17 have been made.

18 **11.8.2** Time sheets shall be completed and signed by each employee. A
19 Standard Operating Procedure for payroll accounting shall be as established by
20 the Finance Director.

21 **11.8.3** Unauthorized absence of an employee from duty shall be deemed to be
22 absence without pay and may be cause for disciplinary action. Absenteeism in
23 excess of 10% beyond accrued sick leave and vacation benefits shall be grounds
24 for disciplinary action or dismissal.

25 **11.9 Layoff:**

26 **11.9.1** If there are changes of duties in the organization, lack of work or lack
27 of funds, the City Administrator may lay off employees; however, the City
28 Administrator, in conjunction with the Division and Directors, shall first make
29 every reasonable effort to integrate these employees into another department
30 by transfer.

31 **11.9.2** Merit shall be the criterion for the basis of layoff. If, based on previous
32 merit reviews, a ranking cannot be agreed upon by Division, Department and
33 City Administrator, then seniority in the position and total time with the City
34 will be ranked. A final determination by the Administrator shall be on the
35 overall cost and benefit to the City.

1 **11.9.3** A minimum of two weeks and preferably 30 days notice shall be provided
2 in all cases of layoffs.

3 **11.9.4** Call-back of employees shall be in the order of the lay-off and the
4 employees shall be reinstated as if on a non-paid leave status during the layoff.

5 **11.10 Outside Employment:**

6 **11.10.1** In an effort to provide maximum protection to both the City and its
7 employees against claims of conflict of interest or liability suits, any employee
8 wishing to accept outside employment must first obtain the written approval of
9 the City Administrator prior to accepting such outside employment. Each
10 change in outside employment shall require separate approval.

11 **11.10.2** To be approved, or to continue as approved, outside employment shall:

12 **11.10.2.1** Be compatible with the schedule of the employee's City work;

13 **11.10.2.2** In no way detract from the efficiency of the employee in his City
14 work; and,

15 **11.10.2.3** In no way conflict with the interest of the City or be a discredit
16 to the City.

17 **11.11 Residency:**

18 **11.11.1** Residency shall not be a condition of initial appointment or continued
19 employment. However, emergency employees may be required to live within a
20 fifteen minute normal driving distance response time of their primary place of
21 work. Requirements will be made part of the job description for those positions
22 affected. Emergency employees exempted from this provision by virtue of hire
23 date prior to this procedure shall be expected to not move further away from
24 the City when they do move.

25 **11.11.2** Employees are encouraged to live within the City and to participate in
26 civic affairs.

27 **11.12 Travel Expense:**

28 **11.12.1** When employees are required to travel outside the City on City
29 business, reimbursement for travel expenses incurred shall be determined as
30 follows:

1 11.12.1.1 Prior to traveling outside the immediate City vicinity (60 miles
2 from City Hall), the employee shall obtain approval for the trip and the
3 mode of travel for the trip from the City Administrator or Director.

4 11.12.1.2 Travel on official business outside the City by a single City
5 employee should be via public carrier or City-owned vehicle. If the
6 employee is authorized to use a private vehicle, mileage shall be paid at
7 the rate as set by Council. This rate includes all travel, insurance and
8 storage expense of the vehicle.

9 11.12.1.3 When travel by City-owned vehicle or public carrier is practical
10 but the employee elects to use his own vehicle for personal reasons, the
11 employee shall be reimbursed an amount equal to the fare of the public
12 carrier that would have been deemed by the City Administrator to be
13 most practical to provide the service.

14 11.12.1.4 Reimbursement for subsistence on official trips shall only be the
15 amount of actual and reasonable expense incurred during the
16 performance of official duty as a City employee for the City's benefit.

17 11.12.2 Employees are responsible for their own transportation to and from
18 their primary place of work within the City. Paid or compensatory overtime is
19 intended to include any extra cost of travel to and from work for extra time
20 worked outside of a regular shift.

21 11.12.3 City vehicles shall not be used for private purposes. City vehicles shall
22 be used for City purposes instead of private vehicles whenever City vehicles are
23 available.

24 **11.13 In-Service Training:**

25 11.13.1 A regular and periodic indoctrination, orientation and information
26 program shall be established by the City's Personnel Unit. A formal training
27 program shall be established within each City department and coordinated by
28 the City's Personnel Unit. Each City employee shall be encouraged to
29 participate in identifying their training needs.

30 11.13.2 The City Administrator shall encourage training opportunities for
31 employees and supervisors in order that services rendered to the City will be
32 more effective. Directors will be assisted in meeting training needs in their
33 department and in developing training programs designed to meet immediate
34 City-wide personnel needs and to prepare employees for promotion to positions
35 of greater responsibility.

1 **11.13.3** Training sessions may be conducted during regular working hours at the
2 discretion of the Directors.

3 **11.14 Professional Associations:**

4 **11.14.1** The City Administrator shall develop a Standard Operating Procedure
5 or Policy Statement for approval by the Mayor, regarding professional
6 association of City employees.

7 **11.15 Employee Organizations and Representation:**

8 **11.15.1** City employees shall have the right to form, join and participate in the
9 activities of labor organizations of their own choosing for the purposes of
10 representation and collective bargaining on matters relating to wages, hours,
11 and working conditions pursuant to the rules established by the City Council by
12 Ordinance No. 239, the National Labor Relations Act, as amended, and
13 adopted by the Oregon Employment Relations Board.

14 **11.16 Selling and Peddling:**

15 **11.16.1** No peddling, solicitation, or sales for charitable purposes or other
16 reasons will be allowed among or by City employees during work hours unless
17 approved by the City Administrator.

18 **11.17 Political Activity:**

19 **11.17.1** No employee shall engage in political activity during the employee's
20 hours of work.

21 **11.17.2** No employee may use official authority or influence to further the cause
22 of any political party or candidate for political office.

23 **11.17.3** No City employee, official or private person shall solicit any
24 assessments, contributions or services for any political party from any City
25 employee on City time.

26 **11.17.4** Nothing contained within this section shall affect the right of the
27 employee to hold membership in and support a political party, candidate or
28 issue, to vote as he chooses, to privately express his opinions on all political
29 subjects and candidates, to maintain political neutrality, and to attend political
30 meetings.

1 **11.18 Relatives:**

2 **11.18.1** Two members of an immediate family shall not be employed in the
3 same division of a large department or in the same department of a small
4 department unless authorized by the City Administrator and acknowledged by
5 the related employees that counter-productive working conflicts due to family
6 relations are subject to disciplinary action, including discharge.

7 **11.18.2** Two members of an immediate family shall not be employed by the City
8 when one has personnel responsibilities (such as, but not limited to, wage and
9 salary administration, evaluation, transfers, promotion, supervisor, discipline)
10 affecting relatives of that employee or when such employment is not in the best
11 interest of the City.

12 **11.19 Clothing and Cleaning:**

13 **11.19.1** Uniforms or uniform-type clothing may be required by the City if so
14 stated in the job description. If the job description specifies that uniforms or
15 uniform-type clothing is required for the performance of the job, such clothing
16 and associated cleaning expenses will be paid for by the City.

17 **11.19.2** Employees in positions not requiring uniforms or uniform-type clothing
18 are required to provide clothing suitable for their work and will be responsible
19 for their own clothing and cleaning expenses.

20 **11.19.3** Specific clothing rules may be further established by Directors relating
21 to clothing suitability as to safety or to a productive and professional work
22 environment.

1 **12.0 GENERAL CONDUCT, DISCIPLINE, TERMINATION AND APPEAL:**

2 **12.1 Standards of Conduct:**

3 **12.1.1** Citizens, customers, suppliers, and outside agency representatives who
4 contact the City are always to be treated with the respect due them as citizens.
5 Since the public is our customer, the conduct of our employees is always on
6 display. Therefore, you are expected to dress appropriately for the work you are
7 doing, and act in a professional manner. Courtesy to fellow employees,
8 supervisors, elected officials, other agency representatives, and citizens of our
9 community, combined with a cheerful, positive attitude makes all our jobs
10 easier.

11 **12.1.2** Employees are expected to maintain high standards of honesty, integrity
12 and impartiality in the conduct of City business.

13 **12.1.3 Personal Gains.** Official positions and confidential information shall never
14 be used to personal advantage or gain.

15 **12.1.4 Conflict of Interest.** An employee shall not participate in any contract,
16 sale, purchase, service or other transaction between the City and a business firm
17 in which they have a financial interest. Employees shall be required to disclose
18 such financial interest, if any, at the time of hiring and this information shall
19 become a part of their official personnel file.

20 **12.1.5 Gifts.** An employee shall not accept or solicit anything of economic value,
21 such as a gift, gratuity, favor, entertainment, or loan, which may appear to
22 influence their official conduct. This does not prohibit the acceptance of
23 unsolicited advertising materials of insignificant value, the acceptance of
24 refreshment in the ordinary course of a meeting nor the solicitation of loans on
25 customary financial terms.

26 **12.1.6 General Conduct.** Employees shall conduct themselves in a manner that
27 will reflect credit upon the organization of which they are a part. Such conduct
28 shall be free of indiscretions or actions that would bring embarrassment to the
29 City or individual employees.

30 **12.1.7 Confidentiality.** Employees shall hold confidential all information deemed
31 to be not for public consumption as determined by City and department policy.
32 Employees shall also respect the confidentiality of people served in the course
33 of the employee duties and use information gained in a responsible manner.

1 12.1.8 Statements. Employees shall carefully distinguish between public
2 statements made as an individual and as a representative of the City
3 government.

4 12.1.9 General Property Use. An employee shall not, directly or indirectly, use
5 or allow the use of City property, supplies or equipment, either owned or
6 leased, for purposes other than the official conduct of City business and
7 activities.

8 **12.2 Sexual Harassment:**

9 12.2.1 The City of Troutdale prohibits sexual harassment of its employees in any
10 form. Such conduct may result in disciplinary action, up to and including
11 termination, depending on the seriousness of the violation. Offensive sexual
12 flirtations, advances, propositions, verbal abuse of a sexual nature, graphic
13 verbal commentaries about an individual's body, sexually degrading words or
14 phrases used to describe an individual, or the display of sexually suggestive
15 objects or pictures may constitute sexual harassment, and are strictly prohibited.

16 12.2.2 No employee, supervisor, or public official shall threaten or insinuate,
17 either implicitly or explicitly, that an employee's refusal to submit to sexual
18 advances will adversely affect the employee or applicant in any aspect of
19 employment. It is the intent of the City of Troutdale to apply these policies to
20 all employment related practices, including, but not limited to: job termination;
21 compensation; training; recruitment; advertising of job openings; tenure; lay-off
22 and recall; leaves of absence; fringe benefits; and all other employment related
23 activities.

24 12.2.3 Any violation of this policy should immediately be brought to the
25 attention of the City Administrator/Personnel Director, or the City Recorder,
26 who will immediately institute an appropriate investigation as deemed necessary
27 to substantiate the facts surrounding the alleged violation. Based upon this
28 information, disciplinary action to correct the violation will be taken as
29 indicated by the facts of the case, and a written record will be maintained
30 containing the results of the investigation.

31 **12.3 Discipline:**

32 12.3.1 Discipline is the establishment, maintenance and enforcement of
33 standards of performance high enough to secure for the residents of Troutdale
34 the best and most efficient service possible. Any discussion with an employee
35 designed to help him develop or improve his skills and abilities is considered
36 counseling. Counseling should be used before taking more formal action and
37 should always be used to follow up after formal action. Whenever possible,

1 disciplinary action should aim at improving the situation rather than be solely
2 punitive in nature.

3 **12.4 Causes for Disciplinary Action:**

4 **12.4.1** It is the responsibility of all employees to observe the regulations
5 necessary for the proper operation of City government functions. Discipline
6 shall follow the presentation of charges to the employee which shall include, but
7 not be wholly limited to those listed below:

8 **12.4.1.1** Drinking intoxicating beverages or use of non-prescription drugs
9 on the job in contravention of State law, or arriving on the job under the
10 influence of intoxicating beverages or drugs;

11 **12.4.1.2** Violation or neglect of lawful duty;

12 **12.4.1.3** Insubordination [defined as refusal to follow direct, lawful orders]
13 to the Mayor, City Council members or to department management
14 personnel, whether direct or indirect;

15 **12.4.1.4** Being habitually absent or late for work;

16 **12.4.1.5** Failure to comply with established departmental and City rules
17 and regulations;

18 **12.4.1.6** Accepting outside gratuities in the performance of the employee's
19 official duties for the City;

20 **12.4.1.7** Using religious, political or fraternal influence or openly engaging
21 in political activity in an attempt to influence City policy or employees;

22 **12.4.1.8** Discourteous treatment of the public or other employees while in
23 performance of duties;

24 **12.4.1.9** Fraud in securing appointment or promotion;

25 **12.4.1.10** Willful misuse of City property, funds or records;

26 **12.4.1.11** Inability or unwillingness to perform assigned job;

27 **12.4.1.12** Willful inefficiency or ineffectiveness in job assignments.

1 **12.4.2 Absence Without Pay or Permission:**

2 **12.4.2.1** An employee shall be determined to have resigned his position if
3 he fails to report to work for three working days without authorization, or
4 fails to provide proper notice to his supervisor if sick. An employee may
5 be reinstated in full and good standing with the recommendation of the
6 supervisor to the City Administrator.

7 **12.4.2.2** Any unauthorized absence of an employee from duty shall be
8 grounds for disciplinary action. In the absence of such disciplinary action,
9 any employee who is absent for three or more consecutive working days
10 without authorized leave shall be deemed to have resigned.

11 **12.4.2.3** Further Departmental Rules and Regulations may be developed
12 by each Director relating to the unique concerns of that department so
13 long as such departmental rules are not in conflict with these rules. In the
14 case of any inadvertent conflict, the City Personnel Rules shall apply.

15 **12.5 Minor Disciplinary Actions:**

16 **12.5.1** A minor disciplinary action shall be either an oral or written warning by
17 the supervisor and may result in a half-day or day off without pay.

18 **12.5.2** An oral warning is oral notice to the employee that their behavior or
19 performance must be improved. It defines areas where improvement is needed,
20 sets goals and informs the employee that failure to improve may result in more
21 serious action. The supervisor should record date and content of the oral
22 warning record which shall be placed in the employee's personnel file.

23 **12.5.3** A written warning is formal notice to the employee that their
24 performance or behavior must be improved. It contains the same elements as
25 the oral warning. When appropriate, it should be used in conjunction with a
26 plan for individual improvement. Any employee receiving a written warning may
27 respond to the warning in writing and the response shall be attached to it for
28 whatever period of time the warning remains in the employee's personnel file.
29 Written warning shall remain in an employee's file no longer than one year
30 unless there is a repeat of the same offense within one year of the original
31 offense. A written minor warning may be accompanied by up to two days off
32 without pay.

1 **12.6 Major Disciplinary Actions:**

2 **12.6.1** Major disciplinary actions resulting in over three days suspension,
3 demotion, or dismissal shall result in an automatic review by the City
4 Administrator without a formal appeal by the employee.

5 **12.6.2** A major disciplinary action shall be a written reprimand and normally
6 will be accompanied by three days off without pay. Discharge, extension of trial
7 service, or the creation of a trial service period shall be a major disciplinary
8 action requiring authorization by the City Administrator.

9 **12.6.3** Employees may have their original employment or promotional trial
10 service periods extended or may be given a trial service period not to exceed
11 three months as a result of a disciplinary action. The City Administrator shall
12 authorize all disciplinary trial service periods given.

13 **12.6.4** At the end of the disciplinary trial service, the employee shall be
14 returned to regular employee status or shall be terminated. If the employee is
15 terminated for disciplinary purposes, such information may be released to future
16 employers upon inquiry.

17 **12.6.5** A reprimand is the Director's official written notice to the employee that
18 their performance or behavior is seriously below standard and that continuation
19 will subject him to more serious disciplinary action, including discharge. A
20 reprimand should not be issued until after the employee has been informed of
21 the charges. Any employee receiving a written reprimand may respond to the
22 reprimand. The reprimand and written reply become a permanent part of the
23 employee's personnel file.

24 **12.6.6** The appointing authority may suspend an individual immediately pending
25 the outcome of an investigation or final action. Such suspension shall be without
26 pay but subject to full pay restitution if investigation findings are in the
27 employee's favor. If no action, or if minor disciplinary action is taken during the
28 suspension period, then the employee shall be eligible for retroactive pay, even
29 though it was for time not worked. If major disciplinary action, or discharge,
30 results during the suspension period, the employee shall not be eligible for that
31 pay.

32 **12.6.7** Discharge or dismissal of an employee shall be by appointing authority
33 based on cause, by due process by proper authority and subject to appeal by
34 the employee. The employee is to be given a written warning and notified that
35 discharge may result if personnel rules are violated. A pre-termination hearing
36 shall be held prior to any final decision. The decision by the appointing
37 authority shall be final, subject to appeal. A post-termination hearing, informing

1 the employee of the decision and the right to appeal, shall be held unless the
2 employee refuses to appear, in which case, the employee shall be notified of the
3 decision and right to appeal in writing.

4 **12.7. Appeal:**

5 **12.7.1** All regular employees shall have the right to appeal disciplinary action
6 taken against them within four days after the effective date of disciplinary
7 action. Appeals shall be made as grievances in accordance with the provisions
8 of Section 12.9 of this Resolution.

9 **12.8 Grievance Procedure:**

10 **12.8.1** The purpose of the grievance procedure is to establish a channel of
11 communication between employees and management, whereby an employee
12 with a grievance may receive prompt attention.

13 **12.8.2** The City shall promptly consider and equitably adjust employee
14 grievances relating to employment conditions and relationships. Furthermore,
15 in as much as the City desires to adjust the causes of grievances informally, both
16 supervisors and employees are expected to resolve problems as they arise.

17 **12.8.3 Informal Grievance Procedure:**

18 **12.8.3.1** An employee or group of employees, who have a problem or
19 complaint should first try to get it settled through discussion with their
20 immediate supervisor without delay. If after this discussion, the employee
21 does not believe the problem has been satisfactorily resolved, the
22 employee shall have the right to discuss it with his supervisor's immediate
23 supervisor, if any. Every effort should be made to find an acceptable
24 solution by informal means at the lowest possible level of supervision. If
25 the employee is not in agreement with the decision reached by discussion,
26 the employee shall have the right to file an formal grievance in writing
27 within five calendar days after receiving the informal decision of his
28 immediate supervisor.

29 **12.8.4 Formal Grievance Procedure:**

30 **12.8.4.1 (Step 1)** If the grievance is not settled in the informal process, it
31 shall be prepared in detail; shall be reduced to writing; shall be dated;
32 shall be signed by the aggrieved employee or group of employees; and
33 shall be presented to the Director within five working days after the
34 supervisor's informal decision is given, not including the day the answer is
35 given. The Director shall reply in writing to the grievance within five

1 working days of the date of the presentation of the written grievance, not
2 including the day of presentation.

3 **12.8.4.2** (Step 2) If the grievance is not settled in Step 1, the written
4 grievance shall be presented, along with all pertinent correspondence,
5 records and information accumulated to date, to the City Administrator
6 within five working days after the Director's response is given, not
7 including the day the response is given. The City Administrator shall meet
8 with the aggrieved employee or group of employees, the immediate
9 supervisory personnel and the Director. The City Administrator shall reply
10 to the grievance in writing within five working days of the date of
11 presentation of the written grievance. The decision of the City
12 Administrator shall be final and binding on the employee or the group of
13 employees, unless appealed pursuant to 12.9 below.

14 **12.8.4.3** If the grievance procedures are not initiated within the time limits
15 established by this section, the grievance shall be considered not to have
16 existed.

17 **12.8.4.4** Any grievance not taken to the next step of the grievance
18 procedure shall be considered settled on the basis of the last reply made
19 and received in accordance with the provisions of this section.

20 **12.8.4.5** If the City fails to meet or answer any grievance within the time
21 limits prescribed for such action by this section, such grievance shall
22 automatically advance to the next step. If the City fails to meet or answer
23 any grievance on the last step of the grievance procedure within the time
24 limits prescribed for such action by this section, it shall be deemed that the
25 City has considered the grievance to be in favor of the grievant and shall
26 resolve the matter accordingly.

27 **12.8.4.6** The limits prescribed in this section for the initiation and
28 completion of the steps of the grievance procedure may be extended by
29 mutual consent of the parties so involved. Likewise, any step in the
30 grievance procedure may be eliminated by mutual consent. Mutual consent
31 shall be indicated in writing and shall be signed by all parties involved.

32 **12.8.4.7** No employee shall be disciplined or discriminated against in any
33 way because of the employee's proper use of the grievance procedure.

34 **12.9 Appeals:**

35 **12.9.1** Written appeal to the Mayor may be filed with the Administrative
36 Secretary as a request for an appeal hearing before the Mayor. The Mayor may

1 sustain, reduce, increase, over-rule, or otherwise amend the City Administrator's
2 decision as deemed necessary for the efficient and fair administration of the
3 City and Departmental rules and regulations.

4 **12.9.2** Appeals in writing to the Council regarding the Mayor's decision may be
5 made only on the grounds that City Charter, Ordinance or Personnel Rules
6 were violated by the Mayor's decision relating to the grievance or appeals
7 process. New statements or information may not be introduced at the Council
8 appeal level, although the Mayor may decide to review and reconsider any
9 earlier decisions.

10 **12.10 Resignation:**

11 **12.10.1** To resign in good standing, an employee shall give the appointing power
12 not less than ten working days prior notice of such resignation unless the
13 appointing power agreed to permit a shorter period of notice because of
14 extenuating circumstances. The notice of resignation shall be in writing and shall
15 contain the reasons for leaving the City service. An exit interview may be
16 required by the City Administrator. Failure to comply with this section shall be
17 entered in the employee's service record, and may be cause for denying future
18 employment by the City.

19 **12.10.2** Upon termination of employment, the City will submit a statement to
20 P.E.R.S. showing the balance of unused sick leave credits. For employees who
21 retire as a member of P.E.R.S., the unused sick leave will be used to calculate
22 retirement benefits by assigning a monetary value to one half of the
23 accumulated unused sick leave.

24 **12.11 Cost Consciousness:**

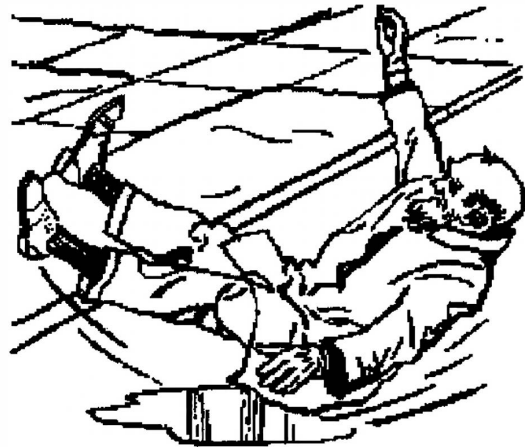
25 **12.11.1** City employees shall practice every economy practical in the discharge
26 of their duties.

27 **12.11.2** Employees are encouraged to recommend to their supervisors work
28 procedures which will result in a cost saving or improved service to the public.

1 **13. SAFETY RULES:**

2 **13.1 Industrial Accidents:**

3 **13.1.1** All employees shall be
4 covered under State-approved
5 insurance for industrial
6 accidents and disease. Such
7 insurance shall meet all
8 requirements set forth in the
9 Oregon Revised Statutes
10 relating to Public Employers
11 and to Workman's
12 Compensation. Benefits
13 include medical treatment and
14 care as well as disability compensation during periods of time lost from the job.



15 **13.1.2** The City Administrator, or his appointee, shall act as the City Safety
16 Officer. The Safety Officer shall be responsible for the development and
17 maintenance of a safety program. Such program shall include safety regulations
18 and discipline controls.

19 **13.1.2.1** Report all injuries immediately to your supervisor;

20 **13.1.2.2** Proper work clothing should be worn to prevent accidents;

21 **13.1.2.3** Tricks, practical jokes, and horseplay are prohibited. What may be
22 meant in fun may not be received that way and could result in disaster;

23 **13.1.2.4** Keep equipment, tools, materials and work areas neat, clean and
24 orderly;

25 **13.1.2.5** Wear personal protective equipment where required. If in doubt,
26 ask the supervisor;

27 **13.1.2.6** Report all unsafe conditions immediately to the supervisor;

28 **13.1.2.7** Learn to lift properly. Know the basic steps of lifting. If an item is
29 too heavy or bulky, get help;

30 **13.1.2.8** Possessing, using or being under the influence of alcoholic
31 beverages, illegal drugs, or intoxicants during work time or on City premises
32 is prohibited;

1 **13.1.2.9** If you do not know the safe way to perform your duties, ask
2 supervisor;

3 **13.1.2.10** Pay special attention to helping new employees. Teaching them
4 the safe way to perform a task may prevent a future accident.

5 **13.2 Discipline Program:**

6 **13.2.1** Violation of safety rules is one of the most frequent causes of accidents.
7 Breaking the safety rules can result in one of the actions listed:

8 **13.2.1.1** First Offense - verbal warning;

9 **13.2.1.2** Second Offense - verbal warning, written notice in personnel file;

10 **13.2.1.3** Third Offense - written warning, 1 copy to employee, one copy to
11 personnel file;

12 **13.2.1.4** Fourth Offense - written warning to employee, copy in personnel
13 file, three day suspension without pay; or discharge.

14 **13.2.2** Serious violations, such as but not limited to, working while intoxicated
15 shall be cause for immediate discharge.

16 **13.3 Safety Officers:**

17 **13.3.1** Each department shall have a Department Safety Officer who shall be
18 the Director or a member of the department, appointed by the Director. It shall
19 be the responsibility of the Departmental Safety Officer to stay current with
20 safety information and shall periodically review and update the department's
21 safety program. The Departmental Safety Officer, at least annually, shall meet
22 with Administrative Department employees and shall meet with employees who
23 work in the field or in a more hazardous environment at least quarterly.

24 **13.4 Accident Investigation Procedure:**

25 **13.4.1** Employees shall report all accidents immediately to their supervisor and
26 an investigation will be conducted as soon as practical. When a person is
27 injured proper first aid or medical attention shall be the first priority before
28 beginning the investigation procedures.

29 **13.4.2** Any employee creating a hazardous situation, either for himself, other
30 employees, or the general public may be subject to minor disciplinary action for
31 violation of City safety practices. A series of warnings or minor disciplinary

1 action for safety violations may be construed to be a major disciplinary action
2 and may be grounds for termination.

3 **13.4.3** When accidents occur on City or to City property, the employee shall
4 contact his supervisor immediately and the employee shall complete an accident
5 report. In case of a motor vehicle accident involving City vehicles, the Police
6 Department shall be notified immediately. The Police Department shall be
7 responsible for investigating all accidents involving City and private vehicles or
8 where there is damage to private property as a result of a City vehicle accident.

9 **13.4.4** In cases of accidents involving personal injuries, the primary concern shall
10 be for the safety and prompt medical attention of the injured. As soon as
11 practical, the injured employee shall contact his supervisor. The employee's
12 supervisor shall be responsible for insuring that the Personnel Secretary is
13 informed of the injury so that the proper personnel procedures may be
14 initiated.

15 **13.4.5** The City Administrator or Administrative Secretary shall be notified of
16 all accidents involving City employees and City property as soon as possible, but
17 not later than the next work day.

18 **13.4.6** Only the City Administrator or their designee shall be authorized to
19 contact the immediate family in cases where the injuries sustained are serious;
20 or in the case of a fatality.

21 **13.4.7** An employee shall not earn vacation or sick leave credits when on leave
22 due to a job related injury.

23 **13.5 Legal Liability:**

24 **13.5.1** Employees shall abide by all laws and regulations which govern the
25 performance of their duties, and shall perform their duties as reasonable,
26 prudent persons. Employees who are reasonable cautious and prudent in the
27 performance of their duties are not negligent and, therefore, neither legally nor
28 morally liable for accidents or injuries which may occur.

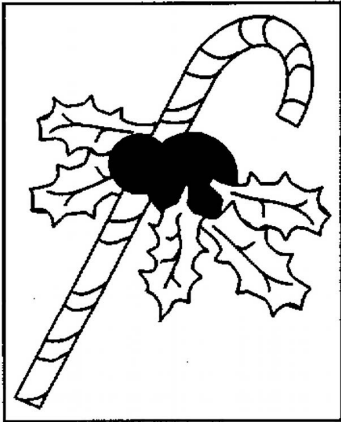
29 **13.5.2** Expenditure or commitment of City funds in any form requires a proper
30 identification of the expenditure, purpose, amount and authorizing individual.
31 To do otherwise is an unlawful expenditure for which the employee may be
32 held personally responsible.

1 **14.0 HOLIDAYS, VACATION, BENEFITS**

2 **14.1 Holidays:**

3 **14.1.1** Employees are entitled to the following paid holidays:

- 4 1. Three Floating Holidays*
5 2. New Years Day
6 3. Presidents Day [3rd Monday in February]
7 3. Memorial Day
8 4. Independence Day
9 5. Labor Day
10 6. Veteran's Day
11 7. Thanksgiving Day
12 8. Christmas Day



13 *
14 Floating holidays will be added to Holiday Leave if they are not
15 designated by the Mayor prior to January 1 of each year. The
16 Mayor has the authority to designate any of the three floating
17 holidays.

18 **14.1.2** The remaining hours that are not designated will be
19 credited to employee holiday leave time. Holiday Leave must be
20 used during the year the time is credited. There will be no carry
21 over of holiday leave hours.

22 **14.1.3** Employees hired after July 1 of any year will receive one-
23 half of the holiday leave hours that were not designated by the
24 Mayor. If the holiday leave hours were designated by the Mayor,
25 they will be paid entirely for the designated days occurring after
26 the date of hire.

27 **14.1.4** Police Officers subject to 24 hour, 365 day shift scheduling, including
28 Sergeants [administrative supervisors], will be credited ½ total holiday hours
29 equivalent to the holidays established by the City Council for all city employees,
30 plus one additional personal leave day (8 hours).

31 **14.1.4.1** During the succeeding ½ calendar year, officers and Sergeants
32 [administrative supervisors] will be scheduled to work according to usual
33 and customary shift schedules. If a holiday occurs during assigned shift it is
34 recorded as a normal work day. If the holiday occurs on a normal day off
35 for the officer, it is recorded as a normal day off.

1 **14.1.4.2** Officers and Sergeants [administrative supervisors] will use holiday
2 hours accrued at the beginning of the ½ calendar year as earned time off
3 during the same ½ calendar year. Any time remaining on the holidays hours
4 account at the end of the ½ calendar year will be paid based on the hourly
5 rate of pay.

6 **14.1.4.3** The Chief of Police will accommodate requests for time off using
7 the holiday accrued time within reasonable limits of manpower resources
8 available.

9 **14.1.4.4** Upon resignation or termination, holiday time will be pro-rated for
10 purposes of pay off, based upon the actual number of holidays that would
11 have occurred during the previous six month calendar year period.

12 **14.1.4.5** Newly employed officers will accrue holiday time on a pro-rated
13 basis relating to time of hire. Generally, each one month of service will
14 equate to 8 hours holiday time.

15 **14.1.4.6** Personnel rules apply to use of vacation time and holiday time.

16 **14.1.4.7** Holiday hours are not subject to sell-back provisions relating to
17 vacation time except as outlined in this policy 14.1.4.2.

18 **14.1.5** When a holiday falls on a Saturday, it will be observed on the previous
19 Friday. When it falls on a Sunday, it will be observed on the following Monday.

20 **14.1.6** Holidays which occur during an employee's vacation or sick leave shall
21 not be charged against such leave.

22 **14.1.7** A holiday is defined as 8 hours paid absence from work. Employees
23 working the 5 day, 40-hour work week will take the holiday as it normally
24 occurs. If the employee is required to work on a recognized holiday, the
25 employee will be compensated for the hours worked at one and one half times
26 the employee's straight time rate in addition to the regular straight time 8 hours
27 of holiday pay.

28 **14.1.8** Employees working a 4 day, 40-hour work week are entitled to 8 hours
29 paid absence. Supervisors of such employees will ensure that they receive the
30 required time off and will also ensure that the employees work their required
31 32 hours. The scheduled working day closest to the holiday will be the day
32 normally scheduled to be taken as the holiday if the holiday does not fall on a
33 scheduled working day. If the employee is required to work on a recognized
34 holiday, the employee will be compensated for 8 hours work at 1½ times the
35 employees straight time rate in addition to the regular holiday pay. Hours

1 worked in excess of eight hours will be paid at the normal overtime rate of 1½
2 the employee's straight time rate.

3 **14.1.9** Employees required to work shift work are entitled to eight hours paid
4 absence. If the holiday falls on their normal day off, the employee will be given
5 the closest normal working day off, as schedules permit, as his holiday. If the
6 employee is required to work on the holiday, the employee will be compensated
7 for eight hours worked at one and one-half times the employee's straight time
8 rate in addition to the regular holiday pay. Hours in excess of eight will be paid
9 at one and one-half times the employee's straight time rate.

10 **14.1.10** Employees called in to work in an emergency situation on their normally
11 scheduled holiday will be paid at two and one half times the employee's straight
12 time rate for the first eight hours. Hours in excess of eight will be paid at the
13 normal overtime rate of one and one-half the employee's straight time rate. The
14 employee may be given a day off as compensatory time in lieu of compensation
15 at two and one-half times straight pay, in which case, the employee will be paid
16 at the normal overtime rate for the hours.

17 **14.1.11** Public Works and Wastewater Operators who, by their job descriptions,
18 are required to be on-call one week at a time on a rotating basis will be
19 compensated for "beeper pay" in addition to the employee's regular salary
20 during their on-call period. Any overtime hours during the employee's on-call
21 period shall be paid at one and one-half times the employee's straight time rate.
22 Public Works and Wastewater employees called in to work on a holiday in an
23 emergency situation, and not on-call, shall be paid at the same rate as other
24 employees. **The amount is approved by Council motion in conjunction with
25 budget adoption or by Council Resolution.

26 **14.1.12** Part-time employees and contract employees are not entitled to paid
27 holidays.

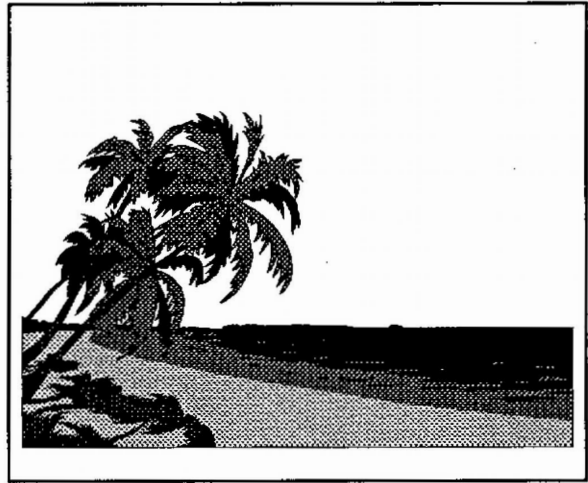
28 **14.1.13** Employees must work the day before and the day after a holiday to
29 receive the paid holiday, unless time off has been approved prior to the holiday
30 by the Director.

31 **14.2 Vacation:**

32 **14.2.1** Paid vacation for permanent full-time employees by the City of Troutdale
33 shall be as follows:

- 34 (1) One week (40 working hours) shall be earned after six months of
35 continuous employment.

1 (2) Six and two-third hours
2 shall accrue during each
3 month after the first six
4 months for the next thirty
5 months (i.e., 2 weeks each
6 year through the third year
7 of employment);



8 (3) After three years of
9 continuous employment, two
10 personal days (16 hours)
11 shall accrue each year in
12 addition to the two regular
13 weeks (80 hours) of vacation
14 (i.e., 2 weeks and 2 days each year during the fourth and fifth years);

15 (4) After five years of employment, or after permanent appointment in
16 a mid-level or senior management position as Division or Director,
17 vacation shall accrue at three weeks (120 hours) per year (i.e., 3 weeks
18 per year during the sixth year); under normal circumstances, no vacation
19 shall be taken during any trial service period;

20 (5) After ten years of employment, four weeks (160 hours) shall accrue
21 per year (i.e., 4 weeks during the eleventh year).

22 **14.2.2** Part-time employees working over 1,000 hours during a twelve month
23 period shall be entitled to twenty hours paid vacation after twelve months.

24 **14.2.3** When an employee terminates, for any reason, he shall be paid all
25 authorized vacation accrued to the date of termination. If the employee quits
26 or is terminated during the initial six month period, the employee will not be
27 paid for any vacation leave.

28 **14.2.4** Each Director will be responsible for scheduling vacations within their
29 department.

30 **14.2.5** Earned vacation should be used during the following year. An employee
31 with less than five years service may accrue a maximum of 160 hours vacation.
32 Employees with more than five years service, a maximum of 240 hours.

33 **14.2.6** After five years of employment, an employee may be permitted to take
34 vacation, at the discretion of the City Administrator on a borrow-ahead basis,
35 not to exceed one week.

1 **14.3 Educational Opportunities:**

2 **14.3.1** A Formal Education and Training Policy Statement shall be developed
3 by the City Administrator and submitted to the Mayor for approval and
4 signature.

5 **14.3.2** The City shall reimburse
6 an employee for one-half the
7 amount of tuition for courses
8 directly related to the
9 employee's work offered at
10 accredited colleges or
11 universities (i.e., M.H.C.C.,
12 P.S.U., O.S.U., or U.P.) and
13 conducted outside the
14 employee's regular working
15 hours, provided that:



16 **14.3.2.1** Funds for such expenditures are available in the current budget;

17 **14.3.2.2** The employee has made application for approval of the course
18 and tuition reimbursement to his department head at least ten days prior
19 to the registration for such course;

20 **14.3.2.3** The employee submits evidence of satisfactory completion of the
21 course;

22 **14.3.2.4** The employee is not receiving reimbursement for tuition from
23 any other source.

24 **14.3.3** Courses which are only offered during regular working hours may be
25 approved by the City Administrator, provided time off can be arranged
26 conveniently.

27 **14.3.4** The City shall allow time off with pay and shall reimburse an employee
28 for the tuition and expenses of attending classes, lectures, conferences or
29 conventions when attendance is required by the City.

30 **14.3.5** Normally, the cost of textbooks and technical publications required for
31 such courses shall be the responsibility of the employee. If the City purchases
32 any of the textbooks and publications of such courses, said textbooks and
33 publications shall become the property of the City.

1 **14.3.6** All training classes must be authorized, in writing, by the City
2 Administrator if the class is to be reimbursed in any portion. Such authorization
3 must be in advance.

4 **14.4 Other Benefits:**

5 **14.4.1** Benefits relating to Medical and Hospital Insurance, Dental Insurance,
6 Life Insurance, Additional Group Coverage, and Disability Insurance shall be
7 available to all permanent employees. The Council shall adopt such benefits
8 annually through the budget process, based upon recommendation of the City
9 Administrator as to the most cost efficient means of providing these benefits.
10 The City Administrator, or his/her designee, shall be responsible for developing
11 policies to implement Council-approved benefit packages.

12 **14.4.2** Regular Part-Time Trial Service employees have the option not to enroll
13 at all, or to later enroll on enrollment date. The employee will be responsible
14 for 50% of their single premium and also has the option of paying the full
15 amount for his family.

16 **14.5 Regular Employee On Leave of Absence**

17 **14.5.1** Employee may continue to pre-pay 100% of premium with Finance
18 Director. Eligibility continues for eighteen months and must make arrangements
19 with the Finance Department.

20 **14.6 Regular Employee on Medical Leave**

21 **14.6.1** Employee must make financial arrangements with the Finance Director
22 and is responsible for pre-paying 100% with Finance Director.

23 **14.7 Employee Assistance Program**

24 **14.7.1** The City of Troutdale has membership in an Employee Assistance
25 Program for all regular employees. The Program enables counseling services for
26 City employees up to 5 sessions per twelve month period at no cost to the
27 employee. The City Personnel Division administers this Program.

1 **15.0 LEAVE OF ABSENCE**

2 **15.1 Authorization for Leave:**

3 **15.1.1** No payment for any leave of absence shall be made until such leave has
4 been properly approved by the City Administrator and/or their designee.

5 **15.1.2** No leave beyond 40 hours shall be authorized except by the City
6 Administrator.

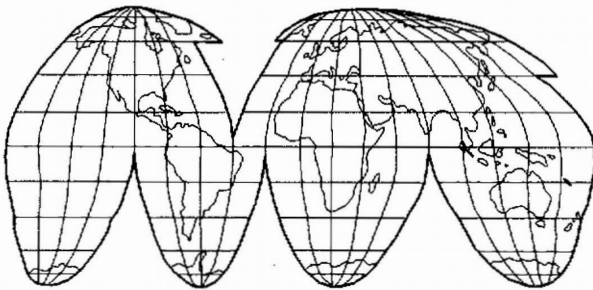
7 **15.2 Compassionate Leave:**

8 **15.2.1** Death or serious illness in the immediate family, or of an extremely close
9 personal friend, may be grounds for granting compassionate leave.
10 Compassionate leave must be authorized by the City Administrator.
11 Compassionate leave up to twenty-four hours per calendar year will be allowed.
12 This leave does not accumulate and is not deducted from any other accrued
13 leave. In cases where compassionate leave is requested, the timesheet must
14 reflect the signature of the City Administrator on the timesheet affected.

15 **15.3 Military Leave:**

16 **15.3.1** Any permanent employee who is a member of the National Guard or of
17 a reserve component of the Armed Forces of the United States is entitled to
18 a military leave of absence of 15 calendar days annually. Such leaves are
19 granted without loss of other leaves or wages and without impairment of other
20 rights and benefits upon presentation of orders to active training or duty.

21 **15.3.2** Leave without pay for extended
22 periods of military service shall be granted
23 in accordance with Oregon Revised
24 Statutes.



25 **15.4 Sick Leave:**

26 **15.4.1** Employees shall accrue sick leave at
27 a rate of 8 hours per calendar month.

1 **15.4.2** Any absence of more than three consecutive working days related to the
2 same illness, will require a statement from a doctor before any additional sick
3 leave will be authorized.

4 **15.4.3** A mental health day shall be considered a legitimate use of sick leave,
5 so long as it is no more than one day in each quarter of the year. Employees
6 using sick leave for mental health days are encouraged to participate in
7 activities which have no work associated pressures.

8 **15.4.4** Time sheets or requests for sick leave must specify whether the sick leave
9 was used for an illness or as a mental health day.

10 **15.4.5** Sick leave shall be used for doctor or dental appointments.

11 **15.4.6** Abuse of the sick leave privilege shall be cause for disciplinary action. An
12 employee who is unable to report to work because of an illness or because they
13 are taking a mental health day shall report the reason for absence to their
14 direct supervisor, or to City Hall, within four hours of the time the employee
15 is expected to report for work. Sick leave with pay shall not be allowed unless
16 such report has been made.

17 **15.4.7** If all sick leave credits have been used, the employee shall have the
18 option of using accrued vacation leave credits.

19 **15.5 Family Leave:**

20 **15.5.1** The City of Troutdale recognizes its obligation to provide the latitude in
21 its employment practices for its employees to respond to the critical health care
22 needs of their families.

23 **15.5.2** The City of Troutdale will grant up to 12 weeks unpaid medical leave of
24 absence within a two year period for the care of any family member[s] who
25 suffer serious health conditions.

26 **15.5.3** Qualifying conditions:

27 **15.5.3.1** The request must be made in writing;

28 **15.5.3.1.1** When conditions can be anticipated, the employee must give
29 the City Administrator at least 15 days notice prior to commencing
30 family medical leave.

1 15.5.3.1.2 In emergency situations, oral notice, followed within 3
2 working days by written confirmation from the employee requesting
3 medical leave of absence will constitute adequate notice.

4 15.5.3.1.3 The employee must furnish written verification from the
5 relative's attending physician of the need for medical leave. Such
6 verification should include expected duration of leave required.

7 15.5.3.2 The employee shall be eligible to use sick leave/vacation time, at
8 the employee's option, up to the maximum of such leave available to the
9 employee for any other form of approved leave.

10 15.5.3.3 Upon termination of the medical leave of absence, the employee
11 shall be reinstated to the former or an equivalent job without loss of
12 seniority or other benefits or rights that had been earned prior to the leave
13 commencing, but reduced by any paid leave used during the leave.

14 15.5.3.4 Benefits will not continue or accrue during any leave of absence;
15 however, medical benefits may be purchased by the employee pursuant to
16 COBRA.

17 15.5.3.5 In the event that the City's circumstances have changed, during the
18 leave of absence, to the degree that the former or an equivalent job is not
19 available, the employee shall be placed in any other position that is
20 available and suitable. Should the City's circumstances have changed so
21 materially that no job is available, the employee shall have all recall rights
22 afforded to any employee who had been laid-off in the course of business.

23 15.5.3.6 These policies shall not apply:

24 15.5.3.6.1 To employees who have not been employed by the City for
25 more than 180 days prior to the first day of the medical leave;

26 15.5.3.6.2 to non-tenured employees;

27 15.5.3.6.3 to an employee who works an average of fewer than 25
28 hours per week for the City;

29 15.5.3.6.4 If any other family member is available who can care for a
30 relative that is not terminally ill.

31 15.5.3.7 For purposes of interpreting this policy, "serious health condition"
32 means:

1 **15.5.3.7.1** Illness of a child requiring home care;

2 **15.5.3.7.2** Injury, disease or condition that in the opinion of the
3 treating physician:

- 4 I. Poses an imminent danger of death;
5 II. Is terminal, with the possibility of death in the near future;
6 III. Is any mental or physical condition that requires constant care.

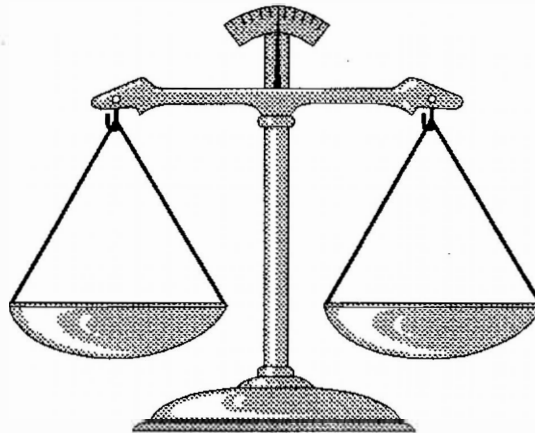
7 **15.5.3.8** An employee taking family medical leave should make every
8 reasonable effort to schedule medical treatment or supervision as to
9 minimize disruption of the City's operations.

10 **15.6 Leave of Absence Without Pay:**

11 **15.6.1** An extended leave of absence without pay not to exceed three months
12 may be granted by the City Administrator with approval by the Mayor. An
13 additional three months may be granted if hardship and requested in writing to
14 the City Administrator and/or Mayor. Employees requesting such leave must do
15 so in writing and must establish reasonable justification for approval.

16 **15.7 Witness or**
17 **Jury Duty:**

18 **15.7.1** If an
19 employee is
20 called for jury
21 duty or is
22 subpoenaed as
23 a witness
24 u n d e r
25 circumstances
26 beyond the



27 employee's control and where such duties are in the public interest, the employee will
28 be continued at full salary and benefits for the period of required service. All monies
29 received as witness fees or pay for jury duty, except for mileage allowance, must be
30 signed over to the City, unless such fees were earned on the employee's days off or
31 during other authorized leave. The employee shall be required to report to work when
32 less than a normal day is required by jury or witness duties. If the employee works
33 night or evening shifts, the employee shall be transferred to day shift during the time
34 the employee is required to serve as juror or witness.

1 **15.7.2** This leave policy does not extend to "personal interest" court appearances
2 such as, but not limited to, divorces, suits or grievance hearings within the
3 structure.

4 **15.8 Voting:**

5 **15.8.1** When an employee's work schedule is such that he would not be able to
6 vote prior to or after his normally scheduled working hours, the employee shall
7 be granted, by their Director, a reasonable time off to vote without loss of
8 either pay, accrued vacation or sick leave.

9 **15.9 Conferences and Conventions:**

10 **15.9.1** The City Administrator shall develop an out-of-state conference and
11 training guideline. All out-of-state conferences further than 300 miles away shall
12 be approved by the Council either in the budgetary process directly, or by the
13 Mayor by separate action if by general appropriation authority.

14 **15.9.2** Decisions concerning an employee attending conferences, conventions or
15 other meetings at City expense, shall be made by the Director. Permission shall
16 be granted on the basis of employee participation in or the direct relation of
17 the employee's work to the subject matter of the meeting. Employees who are
18 members of professional societies may be permitted to attend meetings of their
19 society on City time with no loss of pay or benefits when such attendance is
20 considered to be in the best interest of the City.

